



FEDERAL BUREAU OF INVESTIGATION

**FREEDOM OF
INFORMATION AND
PRIVACY ACTS
REFERENCE MANUAL**

PART 8 OF 9

CORRESPONDENCE GUIDE

FOIPA

CORRESPONDENCE GUIDE

4/26/88

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LIBRARY CONTROL NUMBER 972-3P(1)

NO RECORD PITCH

A search of the indices to our central records system files at FBI Headquarters revealed no record responsive to your Freedom of Information-Privacy Acts request.

NOTE: A search of indices, conducted under approved procedures, located no main files or see references.

LIBRARY CONTROL NUMBER 972-3P(2)

NO RECORD - ELSUR

A search of the FBI's electronic surveillance indices revealed no record responsive to your Freedom of Information-Privacy Acts (FOIPA) request.

A search of the indices to our central records system files at FBI Headquarters revealed no records responsive to your FOIPA request. If you believe records of interest to you are located in the files of an FBI field office and were not reported to Headquarters, you may write directly to that field office for those materials.

NOTE: Use the second sentence in paragraph two when the field office has been specifically requested or when appropriate based on the request letter.

8/15/89

LIBRARY CONTROL NUMBER 972-3P(3)

NO RECORD - FIELD OFFICE PITCH

A search of the indices to our central records system files at FBI Headquarters revealed no record responsive to your Freedom of Information-Privacy Acts request. If you believe records of interest to you are located in the files of an FBI field office and were not reported to Headquarters, you may write directly to that field office for those materials.

NOTE: Use the second sentence when the field office has been specifically requested or when appropriate based on the request letter.

8/15/89

LIBRARY CONTROL NUMBER 972-3P(4)

This is in reference to your Freedom of Information-Privacy Acts (FOIPA) request to the (a). Contained in their records was material which originated with the FBI. This material was received by this Bureau on (b), with the request that the FBI determine its releasability.

As a result of the large number of FOIPA requests received by the FBI, some delay may be encountered in processing this material. The FBI has allocated substantial resources, including personnel, to insure that delays in responding to FOIPA requests are minimized.

Prior to the processing or release of the referred material which may pertain to you, please submit your notarized signature. This procedure is designed to insure that information concerning an individual is released only to that person.

Your request has been assigned number (c), which you are asked to use in any further correspondence concerning this matter.

LIBRARY CONTROL NUMBER 972-3P(6)

FEE ESTIMATE WHERE CHARGES EXCEED \$25

Documents which appear to be responsive to your Freedom of Information-Privacy Acts (FOIPA) request consist of approximately (a) _____ pages. If all pages are determined to be releasable, duplication costs of \$(b) _____ could result, representing a charge of ten cents per page. No fees are assessed for the first 100 pages of duplication. It is emphasized that this is only an estimate; and that the actual charges, after completion of processing of these records, will most likely be less. No duplication fees will be charged for pages that are withheld in their entirety pursuant to any FOIPA exemptions.

Department of Justice regulations (Title 28, Code of Federal Regulations, Sections 16.10 and 16.47) require notification to a requester when anticipated charges exceed \$25. This letter constitutes such notification.

Please indicate in writing your willingness to pay the estimated fees so that further action can be taken on your request. No payment should be submitted at this time. If you wish to reduce the scope of your request to meet your needs at a lower cost, please advise this office at your earliest convenience.

NOTE FOR ANALYST: In estimating fees, round off page estimates to nearest 100 pages.

LIBRARY CONTROL NUMBER 972-3P(6a)

FEE ESTIMATE WHERE CHARGES EXCEED \$250
(25% Deposit Requested)

Documents which appear to be responsive to your Freedom of Information-Privacy Acts (FOIPA) request consist of approximately (a) _____ pages. If all pages are determined to be releasable, duplication costs of \$(b) _____ could result, representing a charge of ten cents per page. No fees are assessed for the first 100 pages of duplication. It is emphasized that this is only an estimate; and that the actual charges, after completion of processing of these records, will most likely be less. No duplication fees will be charged for pages that are withheld in their entirety pursuant to any FOIPA exemptions.

Department of Justice regulations (Title 28, Code of Federal Regulations, Sections 16.10 and 16.47) require notification to a requester when anticipated charges exceed \$25. This letter constitutes such notification.

Please indicate in writing your willingness to pay the estimated fees so that further action can be taken on your request. Department of Justice regulations further provide that, where the anticipated fee exceeds \$250, an advance payment of an amount up to the estimated fee may be required. A 25% deposit of \$(c) _____ is hereby requested. Your check or money order should be made payable to the Federal Bureau of Investigation. Include the FOIPA request number with your payment. If you wish to reduce the scope of your request to meet your needs at a lower cost, please advise this office at your earliest convenience.

NOTE FOR ANALYST: When charges will exceed \$250, the above pitch should be used, unless the requester has a history of prompt payment. In estimating fees, round off page estimates to nearest 100 pages.

2/15/89

LIBRARY CONTROL NUMBER 972-3P(6b)

FEE ESTIMATE WHEN WAIVER REQUESTED
(Justification Provided)

Documents which appear to be responsive to your Freedom of Information-Privacy Acts (FOIPA) request consist of approximately (a) pages. If all pages are determined to be releasable, duplication costs of \$(b) could result, representing a charge of ten cents per page. No fees are assessed for the first 100 pages of duplication. It is emphasized that this is only an estimate; and that the actual charges, after completion of processing of these records, will most likely be less. No duplication fees will be charged for pages that are withheld in their entirety pursuant to any FOIPA exemptions.

Department of Justice regulations (Title 28, Code of Federal Regulations, Sections 16.10 and 16.47) require notification to a requester when anticipated charges exceed \$25. This letter constitutes such notification.

A determination has not been made with respect to your request for a waiver of fees. If you are willing to pay the estimated fees in the event your fee waiver request is denied or only reduced, please advise us in writing. Your agreement to pay will not affect our decision with respect to your fee waiver request, but will allow us to proceed further with the review and processing of the documents while the fee waiver determination is pending. If you wish to reduce the scope of your request to meet your needs at a lower cost, please advise this office at your earliest convenience.

NOTE FOR ANALYST: In estimating fees, round off page estimates to nearest 100 pages.

LIBRARY CONTROL NUMBER 972-3P(6c)

FEE ESTIMATE WHEN WAIVER REQUESTED
(Insufficient Justification)

Documents which appear to be responsive to your Freedom of Information Act (FOIA) request consist of approximately (a) _____ pages. If all pages are determined to be releasable, duplication costs of \$(b) _____ could result, representing a charge of ten cents per page. No fees are assessed for the first 100 pages of duplication. It is emphasized that this is only an estimate; and that the actual charges, after completion of processing of these records, will most likely be less. No duplication fees will be charged for pages that are withheld in their entirety pursuant to any FOIA exemptions.

Department of Justice regulations (Title 28, Code of Federal Regulations, Section 16.10) require notification to a requester when anticipated charges exceed \$25. This letter constitutes such notification.

Department of Justice regulations implementing the fee waiver provisions of the Freedom of Information Reform Act of 1986 provide that fee waiver requests be considered on a case-by-case basis and be "based upon information provided by a requester in support of a fee waiver request or otherwise made known to the component."

Your request for a fee waiver will be considered in accordance with Title 28, Code of Federal Regulations, Section 16.10. This section provides that requested information will be furnished without charge if the disclosure of the requested information is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the government. The determination of whether the fee waiver requirement is met is governed by the following four factors in sequence:

- (i) The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government."
- (ii) The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities.

LIBRARY CONTROL NUMBER 972-3P(6c)

FEE ESTIMATE WHEN WAIVER REQUESTED
(Insufficient Justification)
(continued)

- (iii) The contribution to an understanding of the subject by the public likely to result from disclosure: Whether disclosure of the requested information will contribute to "public understanding."
- (iv) The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities.

It is necessary for you to respond in writing to each of the criteria listed above before your fee waiver request is considered. Also, make reference to any prior articles or books published; and if under contract to publish, provide the publisher's name. A copy of the pertinent section of the regulations is enclosed for your assistance.

If you are willing to pay the estimated fees in the event your fee waiver request is denied or only reduced, please include a statement to this effect along with the requested information. Your agreement to pay will not affect our decision with respect to your fee waiver request, but will allow us to proceed further with the review and processing of the documents while the fee waiver determination is pending. If you wish to reduce the scope of your request to meet your needs at a lower cost, please advise this office at your earliest convenience.

NOTE FOR ANALYST: In estimating fees, round off page estimates to nearest 100 pages.

LIBRARY CONTROL NUMBER 972-3P(6d)

Fee Estimate Following Partial Waiver of Fees

Documents which appear to be responsive to your Freedom of Information-Privacy Acts (FOIPA) request consist of approximately (a) pages. If all pages are determined to be releasable, duplication costs with a (b) % reduction in fees would amount to \$(c). This represents a charge of (d) cents per page. No fees are assessed for the first 100 pages of duplication. It is emphasized that this is only an estimate, and that the actual charges, after completion of processing, will most likely be less. No duplication fees will be charged for pages that are withheld in their entirety pursuant to any FOIPA exemptions.

Department of Justice regulations (Title 28, Code of Federal Regulations, Section 16.10) require notification to a requester when anticipated charges exceed \$25. This letter constitutes such notification.

Please indicate in writing your willingness to pay the estimated fees so that further action can be taken on your request. No payment should be submitted at this time. If you wish to reduce the scope of your request to meet your needs at a lower cost, please advise this office at your earliest convenience.

If you disagree with the decision regarding your fee waiver, or from any other denial contained herein, you may appeal in writing to the Assistant Attorney General, Office of Legal Policy (Attention: Office of Information and Privacy), United States Department of Justice, Washington, D. C. 20530, within 30 days from receipt of this letter. The envelope and letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

NOTE FOR ANALYST: In estimating fees, round off page estimates to nearest 100 pages.

10/8/87

LIBRARY CONTROL NUMBER 972-3P(6e)

Fee Estimate Following Partial Waiver of Fees with Deposit

Documents which appear to be responsive to your Freedom of Information-Privacy Acts (FOIPA) request consist of approximately (a) pages. If all pages are determined to be releasable, duplication costs with a (b) % reduction in fees would amount to \$(c) . This represents a charge of (d) cents per page. No fees are assessed for the first 100 pages of duplication. It is emphasized that this is only an estimate, and that the actual charges, after completion of processing, are most likely to be less. No duplication fees will be charged for pages that are withheld in their entirety pursuant to any FOIPA exemptions.

Department of Justice regulations (Title 28, Code of Federal Regulations, Section 16.10) require notification to a requester when anticipated charges exceed \$25. This letter constitutes such notification.

Please indicate in writing your willingness to pay the estimated fees so that further action can be taken on your request. An advance deposit of \$(e) is also requested in accordance with the above regulations. Your check or money order should be made payable to the Federal Bureau of Investigation. Include the FOIPA request number with your payment. If you wish to reduce the scope of your request to meet your needs at a lower cost, please advise this office at your earliest convenience.

If you disagree with the decision regarding your fee waiver, or from any other denial contained herein, you may appeal in writing to the Assistant Attorney General, Office of Legal Policy (Attention: Office of Information and Privacy), United States Department of Justice, Washington, D. C. 20530, within 30 days from receipt of this letter. The envelope and letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

NOTE FOR ANALYST: In estimating fees, round off page estimates to nearest 100 pages.

10/8/87

LIBRARY CONTROL NUMBER 972-3P(7)

This is to acknowledge receipt of your Freedom of Information-Privacy Acts request.

Your request is currently being reviewed to determine if we have the records you are seeking. You will be advised at the earliest possible date concerning the results of this review.

Should you find it necessary to correspond with us concerning this matter prior to release of any documents, please refer to number (a) _____, which has been assigned to your request.

LIBRARY CONTROL NUMBER 972-3P(8)

If you have not already requested a current search of our Identification Division records for any arrest record that might pertain to you and wish to do so, please comply with the enclosed instructions set forth in Attorney General Order 556-73. Fingerprint impressions are needed for comparison with records in the Identification Division to insure that an individual's record is not disseminated to an unauthorized person.

Effective January 17, 1983, the combined NCIC-CCH file was discontinued. Information which formerly was contained in the NCIC-CCH file now is maintained in the Identification Division records system. However, to obtain this information you must comply with the attached instructions.

10/8/87

LIBRARY CONTROL NUMBER 972-3P(8a)

If you have not already requested a current search of our Identification Division records for any arrest record that might pertain to you and wish to do so, please comply with the enclosed instructions set forth in Attorney General Order 556-73. Fingerprint impressions are needed for comparison with records in the Identification Division to insure that an individual's record is not disseminated to an unauthorized person.

10/8/87

LIBRARY CONTROL NUMBER 972-3P(8b)

This is in response to your request for records pertaining to (a).

The information you have requested is exempt from disclosure under the Freedom of Information Act (FOIA) because release of our Identification Division records could reasonably be expected to constitute an unwarranted invasion of personal privacy pursuant to exemption (b) (7) (C) of the FOIA.

You have 30 days from receipt of this letter to appeal to the Attorney General from any denial contained herein. Appeals should be directed in writing to the Attorney General, Attention: Freedom of Information Appeals Unit, Washington, D. C. 20530. The envelope and letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal."

LIBRARY CONTROL NUMBER 972-3P(9)

Should you desire a check of our field office files,
it will be necessary for you to direct your requests to the
appropriate field offices.

10/14/83

LIBRARY CONTROL NUMBER 972-3P(10)

Background investigations for military and nonmilitary security clearances are conducted by many different Government agencies. The FBI conducts such background investigations in only a limited number of areas but does not issue security clearances. You may write directly to the agency which you believe initiated the background investigation or issued the security clearance.

10/14/83

LIBRARY CONTROL NUMBER 972-3P(13)

Your request for information concerning yourself has been considered in light of the provisions of both the Freedom of Information Act (FOIA) (Title 5, United States Code, Section 552) and the Privacy Act of 1974 (Title 5, United States Code, Section 552a). Any documents which are found to be exempt from disclosure under one law will also be processed under the provisions of the other law. Through these procedures you receive the greatest degree of access authorized by both laws.

10/27/87

LIBRARY CONTROL NUMBER 972-3P(14)

FEE WAIVER DENIAL - FIRST PARTY REQUEST

Your request for a waiver of fees has been denied. Title 5, United States Code, Section 552(a)(4)(A)(iii), provides that documents shall be furnished without charge or at a reduced charge "if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government and is not primarily in the commercial interest of the requester." Our decision in this matter is based on the statutory standard and the fee waiver guidelines issued by the Department of Justice, a copy of which is enclosed. We have concluded that your interest in these records is personal in nature and that the information pertains primarily to you. Disclosure of this material will not contribute to the understanding of the public at large and, therefore, a waiver of fees is inappropriate.

If you disagree with the decision regarding fee waiver, or from any other denial contained herein, you may appeal in writing to the Assistant Attorney General, Office of Legal Policy (Attention: Office of Information and Privacy), United States Department of Justice, Washington, D. C. 20530, within 30 days from receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

10/8/87

LIBRARY CONTROL NUMBER 972-3P(14a)

FEE WAIVER DENIAL - FIRST PARTY REQUEST BASED ON INDIGENCY

Your request for a waiver of fees has been denied. Title 5, United States Code, Section 552(a)(4)(A)(iii), provides that documents shall be furnished without charge or at a reduced charge "if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government and is not primarily in the commercial interest of the requester." Our decision in this matter is based on the statutory standard and the fee waiver guidelines issued by the Department of Justice, a copy of which is enclosed. We have concluded that your interest in these records is personal in nature and that the information pertains primarily to you. Disclosure of this material will not contribute to the understanding of the public at large and, therefore, a waiver of fees is inappropriate. Your indigency was only one factor considered in making this decision and alone was not sufficient to require a waiver of fees.

If you disagree with the decision regarding fee waiver, or from any other denial contained herein, you may appeal in writing to the Assistant Attorney General, Office of Legal Policy (Attention: Office of Information and Privacy), United States Department of Justice, Washington, D.C. 20530, within 30 days from receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

LIBRARY CONTROL NUMBER 972-3P(14b)

Fee Waiver Denial - Third Party Request

Your request for a waiver of fees has been considered in accordance with the provisions of Title 5, United States Code, Section 552 (a)(4)(A) which permits an agency to waive or reduce fees in the public interest "because furnishing the information can be considered as primarily benefiting the general public." The principal question is whether release of the particular information you have requested will benefit the general public. We have concluded that it will not and, therefore, your request for a waiver of fees is being denied. In reaching this decision, a number of factors were considered, including the public interest in the subject matter of the records requested; the nature of the information contained in the FBI files and whether the releasable portions of the records will meaningfully contribute to the public's understanding of the subject matter; whether any of the information in our files is already in the public domain; your qualifications, ability and intentions to disseminate the information to the general public; and whether the material is personal in nature or serves only your private interests. We will reconsider our decision on your fee waiver request if, upon processing the records, it is evident that we have understated the potential public benefit of the released information.

If you disagree with the decision regarding fee waiver, or from any other denial contained herein, you may appeal in writing to the Assistant Attorney General, Office of Legal Policy (Attention: Office of Information and Privacy), United States Department of Justice, Washington, D. C. 20530, within thirty days from receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

1/31/85

LIBRARY CONTROL NUMBER 972-3P(14c)

Partial Fee Waiver - Third Party Request

Your request for a waiver of fees has been considered in accordance with the provisions of Title 5, United States Code, Section 552 (a)(4)(A) which permits any agency to waive or reduce fees in the public interest "because furnishing the information can be considered as primarily benefiting the general public." The principal question is whether release of the particular information you have requested will benefit the general public. We have determined that a (a) percent reduction in duplication fees is appropriate in this instance in view of the limited amount of useful and substantive information contained in the releasable portions of the records and the extent to which this information will meaningfully contribute to the public's understanding of the subject matter. Other factors considered included the public interest in the subject matter of the records requested; whether any of the information in our files is already in the public domain; your qualifications, ability and intentions to disseminate the information to the general public; and whether the material is personal in nature or serves only your private interests. We will reconsider our decision on your fee waiver request if, upon processing the records, it is evident that we have understated the potential public benefit of the information contained in the records released to you.

If you disagree with the decision regarding fee waiver, or from any other denial contained herein, you may appeal in writing to the Assistant Attorney General, Office of Legal Policy (Attention: Office of Information and Privacy), United States Department of Justice, Washington, D. C. 20530, within thirty days from receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

7/29/86

LIBRARY CONTROL NUMBER 972-3P(15)

As a result of the large number of FOIPA requests received by the FBI, delay may be encountered in processing your request. The FBI has allocated substantial resources, including personnel, to insure that delays in responding to FOIPA requests are minimized. We solicit your patience and assure you that your request will be processed as soon as possible.

8/29/86

LIBRARY CONTROL NUMBER 972-3P(15a)

FOIPA No. (a)

Reference is made to your pending Freedom of Information-Privacy Acts (FOIPA) request concerning (b).

Additional delay may be encountered before the processing of your request can be completed. Every effort is made to handle requests in the approximate order of their receipt consistent with sound administrative practices. The time required to process a request, however, will vary depending upon such factors as the volume and complexity of the material requested, the need to consult with other government agencies as to information originated by them, and in many instances, a classification review. While it is not possible to furnish an exact date when your request will be completed, I want to assure you that it is being processed, and that all documents which can be released will be made available as soon as possible.

I regret the delay incurred in complying with your request and solicit your continued patience.

Sincerely yours,

Emil P. Moschella, Chief
Freedom of Information-
Privacy Acts Section
Records Management Division

6/27/84

LIBRARY CONTROL NUMBER 972-3P(15b)

FOIPA No. (a)

Reference is made to your pending Freedom of Information-Privacy Acts (FOIPA) request concerning (b).

Documents pertaining to your request have been located; however, before release can be made, they must be reviewed to ascertain if they warrant classification under current standards. Due to the heavy volume of requests received, our personnel handling classification matters have accumulated a backlog of work. Please be assured that your request will be handled in turn, and we will notify you of the results as expeditiously as possible.

I regret the delay encountered in complying with your request and again solicit your patience and understanding.

Sincerely yours,

Emil P. Moschella, Chief
Freedom of Information-
Privacy Acts Section
Records Management Division

2/11/87

LIBRARY CONTROL NUMBER 972-3P(15c)

FOIPA No. (a)

This is to advise you of the status of your pending Freedom of Information-Privacy Acts (FOIPA) request for documents pertaining to (b).

You have previously been informed that documents responsive to your request must be reviewed to ascertain if they warrant classification under current standards and that our personnel handling classification matters have accumulated a backlog of work.

We are still experiencing delays of several months in the classification process; however, I want to assure you that your request will receive attention as soon as possible. You will be advised when the classification review has been completed. Your continued patience and understanding are appreciated.

Sincerely yours,

Emil P. Moschella, Chief
Freedom of Information-
Privacy Acts Section
Records Management Division

7/31/87

LIBRARY CONTROL NUMBER 972-3P(15d)

FOIPA No. (a)

Reference is made to my letter dated
(b), advising you of the status of your
Freedom of Information-Privacy Acts (FOIPA) request for
documents pertaining to (c).

The classification review process has been completed
and the documents responsive to your request will now be
examined for release in accordance with the provisions of the
FOIPA. All nonexempt information will be made available to
you.

Sincerely yours,

Emil P. Moschella, Chief
Freedom of Information-
Privacy Acts Section
Records Management Division

7/31/87

LIBRARY CONTROL NUMBER 972-3P(16)

In order to obtain records of other Government agencies, you must write directly to the agency where you believe the records are maintained.

5/1/87

LIBRARY CONTROL NUMBER 972-3P(17)

You may submit an appeal from any denial contained herein by writing to the Assistant Attorney General, Office of Legal Policy (Attention: Office of Information and Privacy), United States Department of Justice, Washington, D. C. 20530, within thirty days from receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

10/14/83

LIBRARY CONTROL NUMBER 972-3P(18)

If you know of any matter in which your name may have been recorded by the FBI and can identify the matter in sufficient detail, including approximate time frame and location, a further search will be made.

10/14/83

LIBRARY CONTROL NUMBER 972-3P(19)

Enclosed are copies of documents from our files. Excisions have been made from these documents, and other documents have been withheld in their entirety in order to protect materials which are exempt from disclosure by the following subsections of Title 5, United States Code, Section 552:

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

LIBRARY CONTROL NUMBER 972-3P(20)

(b) (7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information

- (A) could reasonably be expected to interfere with enforcement proceedings,
- (B) would deprive a person of a right to a fair trial or an impartial adjudication,
- (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy,
- (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source,
- (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or
- (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b) (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b) (9) geological or geophysical information and data, including maps, concerning wells.

LIBRARY CONTROL NUMBER 972-3P(21)

A portion of the documents from our files has been processed in accordance with Title 5, United States Code, Section 552a (Privacy Act of 1974), and the material withheld are exempt from disclosure by the following subsections of this statute:

Enclosed are copies of documents from our files. Excisions have been made from these documents, and other documents have been withheld in their entirety in order to protect materials which are exempt from disclosure by the following subsections of Title 5, United States Code, Section 552a:

- (d)(5) information compiled in reasonable anticipation of a civil action or proceeding;
- (j)(1) information maintained by the Central Intelligence Agency;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law, including efforts to prevent, control, or reduce crime or apprehend criminals, except records of arrest;
- (k)(1) information which is currently and properly classified pursuant to Executive Order 12356 in the interest of the national defense or foreign policy;
- (k)(2) material compiled for law enforcement purposes, other than criminal, which would reveal the identity of an individual who furnished information pursuant to a promise that his or her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056.

LIBRARY CONTROL NUMBER 972-3P(22)

- (k) (4) required by statute to be maintained and used solely as statistical records;
- (k) (5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of an individual who furnished information pursuant to a promise that his or her identity would be held in confidence;
- (k) (6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service, the release of which would compromise the testing or examination process;
- (k) (7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence.

LIBRARY CONTROL NUMBER 972-3P(25)

THIRD PARTY PITCH
(Investigation is known to public, public source information exists)

This is in response to your request for records pertaining to another individual(s), (a).

Disclosure of most of the records you requested could constitute an unwarranted invasion of the privacy of the other individual(s). Access is denied pursuant to exemptions (b) (6) and/or (b) (7)(C) of the Freedom of Information Act (FOIA) unless you can obtain the notarized authorization of the other individual(s) involved and furnish the original of such authorization to us.

The collection, maintenance and disclosure of the records to which you seek access, like the records of all Federal agencies, are governed by the provisions of the Privacy Act (5 U.S.C. 552a). This Federal law prohibits disclosure of such records in the absence of written authorization from the individual to whom the records pertain, unless, among other things, disclosure is required by the FOIA.

The records you have requested contain other information generally available to the public, such as court records, newspaper clippings, official publications, etc. If you request in writing copies of these records, we will release them to you.

(APPEALS PITCH)

LIBRARY CONTROL NUMBER 972-3P(25a)

THIRD PARTY PITCH
(Investigation not publicly known)

This is in response to your request for records pertaining to another individual(s), (a).

We can neither confirm nor deny the existence of the records you are seeking. The disclosure of the records to which you seek access is governed by the provisions of the Privacy Act (5 U.S.C. 552a) and the Freedom of Information Act (FOIA) (5 U.S.C. 552). The Privacy Act prohibits disclosure of such records in the absence of a written authorization of the other individual(s), which we require to be notarized and the original furnished to us.

Also, the Privacy Act allows for the release of documents pertaining to an individual if disclosure is required by the FOIA. In this regard, we have determined that, if records exist, disclosure of the FBI's investigative interest in the subject(s) of your request could constitute an unwarranted invasion of personal privacy, and as such, would be exempt from disclosure pursuant to exemptions (b) (6) and/or (b) (7) (C) of the FOIA.

(APPEALS PITCH)

NOTE FOR ANALYST: Where the request is for a record of a non-citizen or alien not admitted for permanent residence, reference to the Privacy Act must be deleted.
(See Pitch 25c)

LIBRARY CONTROL NUMBER 972-3P(25b)

THIRD PARTY PITCH
(Investigation publicly known--but no public source into)

This is in response to your request for records pertaining to another individual(s), (a).

The collection, maintenance and disclosure of the records to which you seek access, like the records of all Federal agencies, are governed by the provisions of the Privacy Act (5 U.S.C. 552a). This Federal law prohibits disclosure of such records in the absence of written authorization of the other individual(s), which we require to be notarized and the original furnished to us.

Also, the Privacy Act allows for the release of documents pertaining to an individual if disclosure is required by the Freedom of Information Act (FOIA). In this regard, we have determined that disclosure of the records you have requested could constitute an unwarranted invasion of personal privacy, and as such, would be exempt from disclosure pursuant to exemptions (b) (6) and/or (b) (7) (C) of the FOIA.

(APPEALS PITCH)

LIBRARY CONTROL NUMBER 972-3P(25c)

THIRD PARTY PITCH -- SUBJECT IS NON-CITIZEN OR
ALIEN NOT ADMITTED FOR PERMANENT RESIDENCE
(THIRD PARTY LIVE - INVESTIGATION NOT OFFICIALLY ACKNOWLEDGED)

This is in response to your Freedom of Information Act (FOIA) request for records pertaining to (an)other individual(s), (a).

We can neither confirm nor deny the existence of the records you are seeking. The FOIA (5 U.S.C. 552) contains provisions to protect information pertaining to other individuals which could, if it exists, constitute an unwarranted invasion of personal privacy, namely:

(b) (6) (language)

and

(b) (7) (C) (language)

Confirmation of any information pertaining to the subject(s) of your request can only be made, if it exists, upon receipt of an original, notarized written authorization from (b).

(APPEALS PITCH)

LIBRARY CONTROL NUMBER 972-3P(26)

A preliminary review of the index to the central records system files at FBI Headquarters discloses references to a name similar to (a) . Since we have reviewed only the index to our records, and not the actual records themselves, we do not know at this point if the records pertain to your request.

Your request is being handled as equitably as possible and all documents which can be released will be made available at the earliest possible date. Every effort is made to handle each request in the approximate order of receipt to the extent consistent with sound administrative practices.

LIBRARY CONTROL NUMBER 972-3P(27)

Client, Background and Notary

This is in reference to your Freedom of Information-Privacy Acts request on behalf of your client,
(a).

Based on the limited information you provided concerning your client, it is not possible to make an accurate search of our records. To insure an accurate search of our records, please furnish (b) complete name, date and place of birth, and any specific data, such as aliases, prior addresses or employments, that would permit us to locate the documents (c) seeks.

Before we can commence processing for release any documents which may pertain to your client, it will be necessary for (d) to submit a notarized statement authorizing us to release documents concerning (e) to you.

Upon receipt of your client's additional personal information and notarized authorization, we will review the index to our central records system files at FBI Headquarters and advise you of the results.

LIBRARY CONTROL NUMBER 972-3P(28)

Records maintained in the FBI central records system, to the extent they are subject to exemption pursuant to Title 5, United States Code, Section 552a (j) and (k), are exempt from the amendment provisions of the Privacy Act, as described in Title 28, Code of Federal Regulations, Part 16.96 (b) (2). However, even though the records are exempt, it is the policy of this Bureau to consider each request on an individual basis in order to reach an equitable determination consistent with the best interests of both the individual and the Government. Where amendment is appropriate, such action will be considered; where not appropriate, the exemption will be justification for denial of the request.

Should you make a request for correction or amendment of information in our records, your letter of request should indicate the particular record involved, the nature of the correction sought and the justification for the correction or amendment. Your request should be submitted to FBI Headquarters and should be clearly marked "Privacy Correction Request."

LIBRARY CONTROL NUMBER 972-3P(32)

Your recent Freedom of Information-Privacy Acts (FOIPA) request to our (a) Office was referred to FBI Headquarters for handling.

In an effort to be fair, each request is handled in the approximate order of receipt. As a result of the large number of FOIPA requests received by the FBI, delay may be encountered. We solicit your patience and assure you that your request will be processed at the earliest possible date.

Please use the number (b) , which has been assigned to your request, in all correspondence concerning this matter.

LIBRARY CONTROL NUMBER 972-3P(32a)

Your recent Freedom of Information Act (FOIA) request concerning (a) to our (b) Office was referred to FBI Headquarters for handling.

In an effort to be fair, each request is handled in the approximate order of receipt. As a result of the large number of FOIA requests received by the FBI, delay may be encountered. We solicit your patience and assure you that your request will be processed at the earliest possible date.

Please use the number (c), which has been assigned to your request, in all correspondence concerning this matter.

LIBRARY CONTROL NUMBER 972-3P(33)

Your recent Freedom of Information-Privacy Acts (FOIPA) request to our (a) Office was referred to FBI Headquarters for handling. This is to advise you of our determination to comply with your request pursuant to Title 5, United States Code, Section 552(a)(6)(A)(i) and other applicable Federal statutes and regulations. Additional information, if needed by us in this matter, will be requested of you by separate letter.

A search of the indices to our central records system files at FBI Headquarters will be made in an effort to determine if we have the information you seek. If the search fails to indicate the existence of any record(s) pertaining to the subject matter of your request, you will be notified. In the event the search reveals the existence of any record(s) responsive to your request, it will be retrieved and processed pursuant to the provisions of the FOIPA at the earliest possible date.

Your request has been assigned number (b), which you are asked to use in any further correspondence concerning this matter.

10/14/83

LIBRARY CONTROL NUMBER 972-3P(34)

We are currently searching the indices to our central records system files at FBI Headquarters for any documents which may pertain to your request. Upon completion of this search you will be notified of the results.

10/14/83

LIBRARY CONTROL NUMBER 972-3P(35)

Before we can commence processing for release any documents which may pertain to you, it will be necessary for you to submit your notarized signature. This procedure is designed to insure that documents are released only to an individual having a right of access to the information.

10/14/83

LIBRARY CONTROL NUMBER 972-3P(36)

Sincerely yours,

J. Kevin O'Brien, Chief
Freedom of Information-
Privacy Acts Section
Information Management Division

10/1/90

LIBRARY CONTROL NUMBER 972-3P(37)

REQUESTS TOO VAGUE TO SEARCH

The Freedom of Information Act provides for access to Government records where the records sought are "reasonably described" (Title 5, United States Code, Section 552(a)(3)). Your letter does not contain enough descriptive information to permit a search of our records.

In accordance with Title 28, Code of Federal Regulations, Part 16.3(b), we are requesting that you provide more specific information to enable us to locate the records with a reasonable amount of effort. This should include the names of individuals, organizations or events, and the approximate time frame, if known.

10/14/83

LIBRARY CONTROL NUMBER 972-3P(38)

RESPONSE FOR REQUESTS TO INSPECT RECORDS
PRIOR TO PAYMENT OF DUPLICATION COSTS

To permit you to inspect the records you requested prior to the payment of duplication costs would be tantamount to a waiver of fees, as the records still must be processed under the applicable statutes and duplicated for your review. Your request for inspection prior to the payment of duplication fees must be denied.

LIBRARY CONTROL NUMBER 972-3P(39)

READING ROOM APPOINTMENT

In the event that you are in the Washington, D.C. area, you may at no charge, review this material in our FOIPA Reading Room at FBI Headquarters by making an appointment 48 hours in advance by calling (202) 324-3386.

6/28/90

LIBRARY CONTROL NUMBER 972-3P(40)

AGGREGATE FEES

The records and subject matters of interest to you are considered a series of related requests, and as such, are subject to aggregate fees as provided by Title 28, Code of Federal Regulations, Sections 16.10 and 16.47. Accordingly, there will be a copying charge of 10¢ per page for all documents released to you. No charge will be assessed for the first 100 pages or duplication or if the aggregate duplication fee for the remaining documents does not exceed \$8.

LIBRARY CONTROL NUMBER 972-3P(40a)

No fees are assessed for the first 100 pages of duplication or if the search and duplication costs for the remaining pages do not exceed \$8. Therefore, the enclosed documents are being forwarded to you at no charge.

7/31/87

LIBRARY CONTROL NUMBER 972-3P(42)

DUPLICATION DOCUMENTS - FIELD OFFICE

Numerous documents in the field office file(s) that were processed pursuant to your request were found to be duplicative of those contained in the file(s) at FBI Headquarters, which have also been processed. To minimize costs to both you and the Federal Bureau of Investigation, these duplicate documents have not been considered for release unless additional information was included on the duplicate document.

LIBRARY CONTROL NUMBER 972-3P(43)

Preprocessed
MONEY LETTER

The records which you requested have been previously processed under the provisions of the Freedom of Information Act for another requester. The documents available for release consist of (a) pages.

Pursuant to Title 28, Code of Federal Regulations, Section 16.10, there is a fee of ten cents per page for duplication. No fees are assessed for the first 100 pages. Upon receipt of your check or money order payable to the Federal Bureau of Investigation in the amount of \$(b), the documents will be copied and forwarded to you. Please place your request number on your check or money order.

LIBRARY CONTROL NUMBER (44)

CITIZEN'S GUIDE RESPONSE

This is in response to your inquiry about obtaining Government records under the Freedom of Information Act and/or the Privacy Act. The Committee on Government Operations of the House of Representatives has released a report intended to serve as a general introduction to both Acts. This report discusses how to make a request, the various exemptions included in the Acts, administrative appeal procedures, and judicial review.

This publication, "A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records" is available for \$2.75. Send prepayment (check or money order) to Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250-7954, stock number 052-071-00999-0; or to order with VISA or MasterCard, phone (202) 783-3238.

LIBRARY CONTROL NUMBER 972-3P(45)

Commercial Use Request - Designation

Your request has been designated as a "commercial use" request. This refers to a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade or profit interests of the requester. As such, it is subject to search, review and duplication fees.

For each quarter hour spent by clerical personnel in searching for and retrieving a requested record, the fee is \$2.25. Where a search and retrieval cannot be performed entirely by clerical personnel - for example, where the identification of records within the scope of the request requires the use of professional personnel - the fee is \$4.50 for each quarter hour for search time spent by professional personnel. Where the time of managerial personnel is required, the fee is \$7.50 for each quarter hour of time spent by such managerial personnel.

It is estimated that a search for the records you seek will take approximately (a) hours at a rate of \$(b) per hour.

If you advise us of your willingness to pay search fees, we will conduct a search of records.

If this check of our records reveals documents pertinent to your request, you will be advised of review and duplication fees.

Should you disagree with the designation of your request as a "commercial use" request, you may respond by furnishing the reason(s) you believe that the results of your request will not, in fact, further your commercial, trade or profit interest.

LIBRARY CONTROL NUMBER 972-3P(46)
Commercial Use Request - Review Cost

Reference is made to our letter to you dated (a)
pertaining to your Freedom of Information Act request regarding
(b)

It has been determined that for each quarter hour spent by clerical personnel in preparing the documents for review, the fee is \$2.25 per quarter hour and in reviewing a requested record for possible disclosure, the professional fee is \$4.50 per quarter hour, except that where the time of managerial personnel is required, the fee is \$7.50 for each quarter hour spent by such managerial personnel.

It is estimated that a review of the records found to be pertinent to your request will take approximately (c) hours at the rate of \$(d) per hour, approximately (e) hours at the rate of \$(f) per hour, and approximately (g) hours at the rate of \$(h) per hour.

In addition to this, all documents found to be releasable will be subjected to a duplication cost of 10 cents per page which may amount to approximately \$(i).

If you advise us of your willingness to pay review and duplication fees, these documents will be processed.

LIBRARY CONTROL NUMBER 972-3P(47)
Commercial Use Request - Fee Letter

Subject of Request: (a)
FOIPA No.: (b)

Reference is made to our letter of (c).
The records which you requested have been processed, and the
documents are available for release.

Pursuant to Title 28, Code of Federal Regulations,
Sections 16.10 and 16.47, fees were assessed at the following
rates:

Hourly Rate X Number of Hours = Fee for Service

Search Fees: (\$) _____ (\$)

Review Fees:

Clerical (\$) _____ (\$)

Professional (\$) _____ (\$)

Managerial (\$) _____ (\$)

Number of Pages X 10 cents per page

Duplication Fees: _____ (\$)

Total accumulated fees (\$)

Upon receipt of your check or money order, in the
amount of (\$)(d), payable to the Federal Bureau of
Investigation, the releasable documents will be forwarded to you.

Commercial Use Request - Fee Letter
(continued)

To insure proper identification of your request, please return this letter or include the above referenced FOIPA request number with your payment.

ie) See Continuation Page for additional information.

LIBRARY CONTROL NUMBER 972-3P(48)

REFERRAL LETTER
(Response to other agency)

Date: NOTE: Operator, typed date must be spelled out.

To: NOTE: Operator, FOIPA will attach preprinted 7-line label here. Delete this message, but do not delete blank lines between "To" and "From."

From: Emil P. Moschella, Chief
Freedom of Information-
Privacy Acts (FOIPA) Section
Federal Bureau of Investigation

Subject: FOIA/PA REQUEST OF (a)
FBI FOIPA NO. (b)
(c) No. (d)
Re: (e)

This is in response to your letter dated
(f), requesting the FBI to make a
disclosure determination regarding the bracketed information
contained in the attached (g) document(s).

After reviewing the information, we recommend that:

_____ all of the information be disclosed.

_____ all of the information be withheld pursuant to
subsection(s) (h) of Title 5,
United States Code, Section 552.

_____ part of the information, highlighted in yellow,
should be withheld pursuant to subsection(s) (i)
of Title 5, United States Code,
Section 552. The remainder of the information may
be disclosed.

(i) : (4)

9/28/88

REFERRAL LETTER (Response to other agency)
(continued)

(k)

Please call (l) of my staff at
(202) 324-(m) if you have any questions.

Enclosure(s)

REMARKS: (n)

LIBRARY CONTROL NUMBER 972-3P(49)

REFERENCES ("Cross" References)

The above fee estimate does not include references which may be identifiable with your request. A reference is a mention of the subject of your request in the file of another individual, organization, or activity. A further description of any such references will be made at a later date.